

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JORGE CASANOVA,

Plaintiff,

v.

No. CV 08-0288 JP/CEG

WARDEN ROBERT ULIBARRI,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on three recent motions (Docs. 94, 96, 97) filed by Plaintiff. In these motions, Plaintiff reasserts many previous allegations and complains of the treatment he has received both in prison and in this litigation. He seeks further consideration of certain claims and reconsideration of the order of reference to United States Magistrate Judge Carmen E. Garza.

With respect to Plaintiff's assertions regarding his various claims, Judge Garza has entered an Order for Supplemental Briefing (Doc. 99), defining the scope of the remaining matters to be adjudicated in this case. Plaintiff's allegations and assertions do not provide grounds for reconsideration of prior rulings. "[R]evisiting the issues already addressed 'is not the purpose of a motion to reconsider,' " *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991) (quoting lower court's order), and the Court will not reconsider prior rulings at this time. As to Plaintiff's request that the Court revisit his claims in cause No. CV 08-0287 JH/WDS, he may seek this relief only by motion directed to the Hon. Judith C. Herrera, the Judge assigned in that action, and not to Judge Parker..

Plaintiff alleges that Magistrate Judge Garza has made numerous errors and has exhibited bias against Plaintiff in this case. He asks the Court to reconsider the order of reference to

Magistrate Judge Garza. In particular, Plaintiff complains about rulings against him on grounds of untimely filing. The Court notes that the Court of Appeals for the Tenth Circuit has affirmed the dismissal of claims against Defendants Romero and Garcia as untimely (Doc. 91), and that Plaintiff's claims against Defendant Ulibarri remain pending (Doc. 99). It is clear that Plaintiff simply disagrees with Judge Garza's various rulings against him. This is not grounds for recusal or disqualification of an assigned judge. "[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion. Furthermore, '[a] judge's ordinary efforts at courtroom administration... remain immune' from charges of bias." *Coando v. Westport Resources*, 85 F. App'x 59, 62 (10th Cir. 2003) (quoting *Liteky v. United States*, 510 U.S. 540, 555, 556 (1994)). Based on this established law, the Court will deny Plaintiff's request to reconsider the order of reference to Magistrate Judge Garza.

IT IS THEREFORE ORDERED that Plaintiff's three recent motions (Docs. 94, 96, 97) are DENIED.


UNITED STATES DISTRICT JUDGE